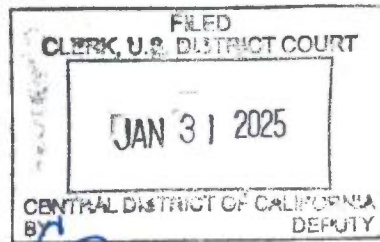


Pierre stephan Sims  
FULL NAME  
Pierre Stephen Simms  
COMMITTED NAME (if different)  
High Desert Detention center  
FULL ADDRESS INCLUDING NAME OF INSTITUTION  
9438 Commerce Way  
Adelanto, CA, 92301  
PRISON NUMBER (if applicable)  
# 2305341310



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PIERRE STEPHEN SIMMS

PLAINTIFF,

v. JOHN DOE, High  
Desert Detention Center facility Sergeant  
A. MEDAWAR, High Desert Detention  
center facility Sergeant  
DEFENDANT(S).

CASE NUMBER EDCV25-291-SPG (AJR)  
To be supplied by the Clerk

CIVIL RIGHTS COMPLAINT  
PURSUANT TO (Check one)

- ☐ 42 U.S.C. § 1983  
☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☒ No  
2. If your answer to "1." is yes, how many? \_\_\_\_\_

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

- a. Parties to this previous lawsuit:  
Plaintiff \_\_\_\_\_  
\_\_\_\_\_
- Defendants \_\_\_\_\_  
\_\_\_\_\_
- b. Court \_\_\_\_\_  
\_\_\_\_\_
- c. Docket or case number \_\_\_\_\_
- d. Name of judge to whom case was assigned \_\_\_\_\_
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) \_\_\_\_\_
- f. Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- g. Approximate date of filing lawsuit: \_\_\_\_\_
- h. Approximate date of disposition \_\_\_\_\_

**B. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No
2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No  
If your answer is no, explain why not \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the grievance procedure completed? ☒ Yes ☐ No  
If your answer is no, explain why not \_\_\_\_\_  
\_\_\_\_\_
4. Please attach copies of papers related to the grievance procedure.

**C. JURISDICTION**

This complaint alleges that the civil rights of plaintiff Pierre Simms  
(print plaintiff's name)

who presently resides at 9438 Commerce Way, Adelanto, CA, 92301  
(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at  
San Bernadino County High Desert Detention Center  
(institution/city where violation occurred)

on (date or dates) 09-19-2024 09-20-2024 09-21-2024  
(Claim I) (Claim II) (Claim III)

**NOTE:** You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant John Doe resides or works at  
(full name of first defendant)  
9438 Commerce Way, Adelanto, CA, 92301  
(full address of first defendant)  
Sergeant  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

The defendant John Doe acted under color of law because the defendant acted while clothed under the authority of state law.

2. Defendant A. Medawar resides or works at  
(full name of first defendant)  
9438 Commerce Way, Adelanto, CA, 92301  
(full address of first defendant)  
Sergeant  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Defendant A. Medawar acted under color of law because the defendant acted while clothed under the authority of state law.

3. Defendant \_\_\_\_\_ resides or works at  
(full name of first defendant)  
\_\_\_\_\_  
(full address of first defendant)  
\_\_\_\_\_  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

\_\_\_\_\_  
\_\_\_\_\_

4. Defendant \_\_\_\_\_ resides or works at  
(full name of first defendant)  
\_\_\_\_\_  
(full address of first defendant)  
\_\_\_\_\_  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

\_\_\_\_\_  
\_\_\_\_\_

5. Defendant \_\_\_\_\_ resides or works at  
(full name of first defendant)  
\_\_\_\_\_  
(full address of first defendant)  
\_\_\_\_\_  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

\_\_\_\_\_  
\_\_\_\_\_



**D. CLAIMS\*****CLAIM I**

The following civil right has been violated:

**INTRODUCTION**

1. This complaint places before the Court a lawsuit involving 2 Sergeants of High Desert Detention Center (A San Bernadino county Jail), The 3 claims stated in this complaint are all a chain of events stemming from a retaliatory housing transfer against the plaintiff ordered by Defendant Doe, because the plaintiff filed a grievance complaint about the facilities excessively cold inhumane conditions being punishment.

2. This complaint alleges that both Defendants John Doe and A. Medawar's actions caused the plaintiff to be needlessly assaulted and injured because the plaintiff was transferred to a housing segment that posed

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

a documented safety risk to the plaintiff that Defendant Medawar was fully aware of before the incident occurred which left the Plaintiff with permanent injury.

**CLAIM 1**

3. On 08-16-2024 The plaintiff filed a grievance about the excessively frigid temperatures in the facility.

4. On 09-18-2024 the plaintiff received a run around response from defendant Doe who waved off the issue as seen in the attached grievance copies.

\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

5. On 09-19-2024 the Plaintiff appealed the grievance and made note of how most officers on shift wear heavy bomber jackets indoors to combat the cold and also mentioned how refusing to change the temperature or provide access to suitable clothing is a human rights violation by forcing unnecessary harsh conditions (as seen in grievance copy attached).

### CLAIM II

6. On 09-20-2024 around 6AM at breakfast time the Plaintiff was given directions to pack his things by the Officer on shift Deputy Rojo-Perez whom informed the Plaintiff that he was being moved to a different housing unit.

7. The Plaintiff asked Deputy Rojo-Perez where he was being moved to.

8. Deputy Rojo-Perez told the Plaintiff he was being moved to unit 1.

The Plaintiff then asked deputy Rodo-Perez why he was being moved for no reason at such an unusual time.

Deputy Rodo-Perez then proceeded to tie to the plaintiff and tell the plaintiff that he was being moved from 3F because F-tank was being emptied and everyone else would be moved later.

About an hour later deputy Rodo-Perez arrived at the plaintiff's bunk area to direct him to pack his things and move.

2. The plaintiff refused to move from his current living placement and told Rodo-Perez that he was not moving for mental health reasons and needed to speak with a mental health specialist right away.

3. Deputy Rodo-Perez continued to try and plead with the plaintiff to move until he gave up and returned to his post in the control bubble to phone mental health.

4. While deputy Rodo-Perez was away back at his post his partner on shift deputy Verdugo approached the plaintiff's bunk area to ask the plaintiff why he was



5. The plaintiff asked deputy Verdugo why he was being moved for no reason.

6. Deputy Verdugo knelt down to the plaintiff to whisper to him at his bunk (which can be seen on camera) then after checking to make sure his belt recorder was off deputy Verdugo proceeded to explain to the plaintiff that the Sergeant on shift Defendant John D. complained about all the grievances coming in about the old air and blamed them on the plaintiff because the plaintiff was the only inmate who appealed their grievances so the sergeant ordered for the plaintiff to be moved.

7. The plaintiff asked deputy Verdugo which Sergeant it was on shift who wanted the plaintiff moved.

8. Deputy Verdugo replied and said "C'mon bro you know I can't tell you all that, but you really screwed yourself with the grievances".

9. Shortly after deputy Verdugo was done talking to the plaintiff deputy Rolo-Perez approached the plaintiff's bunk area to notify him that mental health was on the way to see him.



0. After agreeing to walk outside the housing segment to the interview room to see mental health the plaintiff was escorted out by deputy Raulo Perez.

1. Once inside the secured interview room located in the G wing of unit 3, the plaintiff waited to see mental health which whom did not arrive until almost 45 minutes later around 9AM on the next shift.

2. At around 9am the plaintiff spoke with mental health specialist Adrianna whom concluded after interviewing the plaintiff that moving the plaintiff to a different unit would disturb his mental health and relayed that information to the classification officers who oversee housing placement.

3. After speaking with classification, mental health specialist Adrianna informed the plaintiff that classification insisted that the plaintiff must move from the top tier of 3F to the bottom tier of 3F if the plaintiff couldn't be moved to unit 1.

30. While being escorted back into the housing segment the plaintiff asked deputy Perez-Zavalla if it was alright to stay out with the top tier and move downstairs later so the plaintiff could get his dayroom time because the bottom tier already had their dayroom time.

31. Deputy Perez-Zavalla agreed to allow the plaintiff his dayroom time and said the plaintiff was good to move his things downstairs later after dayroom.

32. During dayroom an inmate on the bottom tier signaled the plaintiff come speak with him at the cage.

33. The inmate on the bottom tier was Daniel Morrisette who called the plaintiff over to tell him that all the other inmates downstairs on the bottom tier had plans on attacking the plaintiff once he moved into the bottom tier after dayroom.

34. At around 1:45 pm shortly after the plaintiff was made aware of the plans for his attack, the plaintiff notified officer Perez-Zavalla on his routine walk and told him that it was no longer safe to move to the bottom tier because he would be attacked.



35. Deputy Perez-zavalla informed the plaintiff that he would contact the classification officer on shift officer certa to notify her of the situation to find the plaintiff a different housing placement.

36. Deputy Perez-zavalla also instructed the plaintiff to make a request to speak with classification officer certa via the facilities electronic request kiosk which the plaintiff fulfilled promptly after speaking with Perez-zavalla on his routine walk.

37. After calling over to classification officer certa, deputy Perez-zavalla notified the plaintiff that the only housing option that was available was in unit 1D.

38. The plaintiff agreed to the unit change and was told by officer Perez-zavalla that he would be moving after dinner time chow.

39. After Dinner time chow was served in 3F the plaintiff packed his property and was moved from unit 3F to unit 1D around 5:30

40. After being in unit 1D for several hours the plaintiff was call to the unit door by the night shift officer on duty deputy Bullard around 1am on the date of 9/21/2024 and was told to pack his things so he could move back to 3



11. The plaintiff followed deputy Bullard's orders and prepared to move back to unit 3F.

12. Once the plaintiff was prepared to move deputy Bullard instructed the plaintiff to disregard his order and return to his bunk.

13. 15 minutes later deputy Bullard re-instructed the plaintiff to pack his things and prepare to move again.

14. The plaintiff followed deputy Bullard's instructions again and waited another 15-20 minutes to be escorted back to unit 3F.

15. Once it came time for the plaintiff to be moved back to 3F the night shift officer on duty for unit 3F deputy Verdugo arrived to unit 1D to escort the plaintiff back to 3F.

16. The plaintiff asked officer Verdugo if he was being moved back to his original placement on bunk 64 of the upper tier of 3F.

17. Officer Verdugo answered the plaintiff "No" then said he knew that deputy Perez-Zavala on 1st shift helped the plaintiff avoid being moved into 3F lower tier and assaulted there.

8. Officer verdugo went on to further explain to the plaintiff that he didn't understand why classification called in the middle of the night to move the plaintiff back into a known safety risk.

9. Officer verdugo continued to explain to the plaintiff that he tried to explain the problem and dissuade classification from trying to send the plaintiff to 3F Lower Tier.

### CLAIM III

0. While talking with deputy verdugo outside of unit 1D the plaintiff seen the Sergeant Defendant A. Medawar conducting a routine walk.

1. The plaintiff explained to Defendant Medawar how he had been moved from his original placement on the upper tier of 3F for no reason as passive retaliation for filing grievance complaints about the excessively cold air,

2. The plaintiff went on to explain how he wasn't supposed to be moved inside the Lower tier of 3F because his safety would be at risk which 1st Shift officer Perez-Zavalla was made aware of whom called classification to make note of the threat and find the plaintiff other housing.



53. The plaintiff asked Defendant A. Medawar if he could be moved back to his original housing placement on the upper tier of 3F instead of the lower tier where he would be at risk.

54. Defendant Medawar told the plaintiff that he was a jail and didn't have a choice but to move where he was told before walking away to continue her routine walk.

55. After speaking with Defendant Medawar the plaintiff was escorted to 3F Lower tier where the plaintiff was shortly soon ambushed and attacked by numerous other inmates less than an hour after arriving inside the lower tier.

56. The attack was then broken up by Officer Verdugo and his partners on shift who entered the unit to extract the plaintiff and inmate Daniel Morrisette who was also attacked for notifying the plaintiff ahead of time that he would be attacked.

57. While being escorted out of the lower tier of unit 3F the plaintiff seen defendant Medawar in the hall with a big smile shaking her head at the plaintiff as if the plaintiff being attacked satisfied her.



3. After being extracted from inside the Lower Tier of 3F the plaintiff was seen by medical.

9. The plaintiff informed the nurse he was experiencing severe head pain and may need to be examined at a hospital.

0. The nurse gave the plaintiff aspirin and offered no further examination or treatment.

1. After being seen by medical the plaintiff was asked by Officer Verdugo if he would like to have pictures taken of his injuries and make a recorded statement.

2. Officer Verdugo cautioned the plaintiff that if he had pictures of his injuries taken and made a statement that the plaintiff would be placed in protective custody.

3. The plaintiff declined to have pictures of his injuries taken or give a recorded statement to avoid being labeled a snitch and thrown into protective custody, which would have only further endangered the plaintiff.

24. After the plaintiff refused officers Verdugo's offer to take pictures of his injuries and record his statement the plaintiff was taken to intake process to wait inside a holding cell until he was assigned new housing placement.

25. Hours later the plaintiff was assigned back to his original housing placement back to bunk 64 on the upper tier of 3F where the plaintiff was housed before being moved as retaliation for filing grievance complaints about the cold air.

26. The plaintiff was escorted back to the upper tier of 3F and placed inside the tier segment shortly before breakfast time around 4:30-5AM on 9/21/2024.

27. After the plaintiff returned to his original housing placement the plaintiff began to speak with inmate Elisha Jones.

28. Elisha Jones is an inmate who slept on the bunk next to the plaintiff on the upper tier of 3F before the plaintiff was moved.



69. Elisha asked the plaintiff questions about what happened to him inside the lower tier and what all the noise was about.

70. The plaintiff explained the details of everything that took place after he was moved.

71. Inmate Elisha Jones went on to explain how he seen defendant Medawar enter the unit segment laughing in the dayroom of 3F amongst her subordinates about the situation as she ordered them to conduct a shake down after the attack incident.

72. Hours later after that conversation the plaintiff awoke from his sleep and noticed fluid discharge colored with dark blood and earwax streaming from his left ear that was accompanied by a severe loss of hearing.

73. The plaintiff went to fill out a request to see medical and was seen on the day of 09/23/2024.



4. On that day of 09/23/2024 the nurse medical examiner concluded that the plaintiff Pierre Simms had sustained injuries to his left ear drum and inner ear canal.

5. The plaintiff was referred to the doctor and as seen by the facility doctor the following day of 09/24/2024.

6. On 09/24/2024 the plaintiff was seen by the facility doctor who also concluded that the plaintiff Pierre Simms may have suffered potentially permanent hearing loss and scheduled the plaintiff for a hearing test.

7. Since then the plaintiff has still yet to been seen for a hearing test or any further follow up examines as of the date of this writing (12/29/2024) and has still not recovered hearing in his left ear.

8. The allegations and events in this claim can all be verified by facility video footage, officers department issued belt recorders, facility electronics, inmate kiosk records, and witness testimony.

9. Defendant John Doe was deliberately indifferent to the unnecessary harsh conditions of the excessive cold temperatures in the facility and the lack of access to suitable clothing to inmates which deprived the plaintiff of the basic life necessities of warmth, causing unnecessary pain and suffering that amounted to cruel and unusual punishment in violation of the Constitutional Eight Amendment.

10. Defendant John Doe retaliated against the plaintiff by moving the plaintiff to a different housing segment or filing grievance complaints about the excessive coldness and helping other inmates file grievances, the defendant's retaliation to the plaintiff's grievances is in violation of the Constitutional First Amendment right to freedom of speech.

11. Defendant Medawar's deliberate indifference to a known safety risk to the plaintiff that defendant Medawar was aware of led to the needless permanent injuries inflicted upon the plaintiff by a expected and preventable attack, the defendant's deliberate indifference to a documented safety risk to the plaintiff caused unnecessary injury, torment and suffering in violation of the Constitutional Eight Amendment.



**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following specific relief:

1. A declaration that the acts and omissions described herein violated plaintiffs rights under the constitution and laws of the United States.

2. A preliminary and permanent injunction commanding the defendants to stop using excessive cold air as punishment and to allow the plaintiff access to suitable clothing by providing the opportunity to purchase thermal shirts and thermal underwear from commissary in accord with all other neighboring county jails.

3. Compensatory damages in the amount of no less than \$777,000.00 against each defendant jointly and separately for the unnecessary permanent injury and pain and suffering to the plaintiff.

4. Punitive damages in the amount of \$7,000 against each defendant.

5. Any other relief this court may deem just and proper

6. Trial by jury is hereby demanded on all claims alleged herein, and the parties are hereby given notice pursuant to Fed. R. Civ. P. 38(a)-(c).

1-6-2025

(Date)

*Piero Bini*

(Signature of Plaintiff)



San Bernardino County Sheriff's Department  
Grievance

Initial Grievance Date

Grievance ID: G372409-0027262    Booking #: 2305341310    Date: 09/16/2024 13:29  
Name: SIMMS, PIERRE STEPHEN    Location: 37 / 3F  
Category: CUSTODY / Inmate Issue/Other    Incident Date: 09/16/2024 13:21  
Location: UNIT 3 F

Grievance: FOR ABOUT THE PAST 2 WEEKS THE TEMPERATURE INSIDE THIS FACILITY HAS BEEN UNUSUALLY COLD, I HAVE ASKED EVERY DUPUTY AND SGT ON SHIFT TO DO SOMETHING ABOUT THIS FREEZING COLD AIR OVER THIS TIME PERIOD, ALONG WITH OTHER INMATES WHO HAVE DONE THE SAME. THE FACT THAT THE CLOTHING ITEMS ISSUED TO US ARE NOT APPROPRIATE TO THIS CLIMATE SHOULD DEEM ANY FURTHER NEGLIGENCE OF THIS MATTER TO BE CONSIDERED CRUEL AND UNUSUAL PUNISHMENT, WHICH IS A VIOLATION OF OUR 8TH AMENDMENT RIGHT.

Investigated Date: 09/18/2024

Completed Date: 09/18/2024 21:24

Duplicate: NO

Duplicate ID:

Disposition: EXONERATED

Defendant Doe's run around reply

Findings: THE TEMPERATURE IS SET TO ACCOMMODATE NUMEROUS PEOPLE LIVING IN A CONFINED SPACE. EACH INDIVIDUAL HAS A DIFFERENT TOLERANCE FOR VARYING TEMPERATURES AND NOT ALL TOLERANCES CAN BE ACCOMMODATED. THE UNIT STAFF ENTERED A REQUEST WITH MAINTENANCE TO CHECK THE TEMPERATURE IN THE SEGMENT.

Actions: ADMIN REVIEW.

Confirmation of the frigid temperature  
Grievance Appeal that upset Defendant Doe.

Accepted: NO

Date: 09/19/2024 09:43

Allow Appeal: Y

Reason: IT CAN BE SEEN CLEARLY ON FOOTAGE FROM ANY CAMERA ANGLE ON ANY GIVEN DAY IN THIS FACILITY THAT THE MAJORITY OF THE STAFF ON DUTY WEAR HEAVY BOMBER JACKETS THROUGH THEIR SHIFT TO COMBAT THE FRIGID TEMPERATURES. NOW PLEASE TELL ME HOW IT IS NOT AN INFRINGEMENT UPON OUR HUMAN RIGHTS TO BE SUBJECTED TO THIS TYPE OF CLIMATE WITHOUT CLOTHING THAT IT IS APPROPRIATE FOR SUCH TEMPERATURES THAT ARE SO COLD EVEN THE STAFF NEED BOMBER JACKETS INDOORS DURING THE SUMMER TO MINIMIZE ITS HARSH EFFECTS.

---

**Investigated Date:** 09/24/2024**Completed Date:** 09/24/2024 16:09**Duplicate:** NO**Duplicate ID:****Disposition:** EXONERATED**Findings:** I CONFIRMED WITH MAINTENANCE TODAY 09/24/2024, UNIT 3'S RETURN AIR VENTS ARE SET TO 73 DEGREES. THIS IS IN THE RANGE RECOMMENDED TEMPERATURES.**Actions:** ADMIN REVIEW.**Accepted:** NO**Date:** 09/25/2024 07:39**Allow Appeal:** Y**Reason:** CONFIRMING THAT THE TEMPERATURE HAS BEEN SET TO 73 DEGREES STILL DOESN'T NEGATE THE FACT THE WE ARE STILL BEING HOUSED IN CLIMATES THAT MAKE YOUR EMPLOYEES WEAR JACKETS TO KEEP WARM WHILE US INMATES ARE NOT ISSUED APPROPRIATE CLOTHING ITEMS OR GIVEN THE OPPORTUNITY TO PURCHASE THEM FROM COMMISARY. THESE ARE UNNECESSARY HARSH CONDITIONS THAT ARE BEING DELIBERATELY IGNORED.

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**Investigated Date:** 09/26/2024**Completed Date:** 09/26/2024 13:00**Duplicate:** NO**Duplicate ID:****Disposition:** EXONERATED**Findings:** INMATE PIERRE SIMMS' ALLEGATION WAS INITIALLY ANSWERED WITH PROPER INFORMATION BUT A TEMPERATURE CHECK OF THE SEGMENT WAS NOT COMPLETED. AFTER SIMMS' FIRST APPEAL, THE SUPERVISOR PROVIDED SIMMS' WITH THE ACTUAL TEMPERATURE IN THE SEGMENT. THE 73 DEGREE TEMPERATURE IS IN THE RANGE OF RECOMMENDED TEMPERATURES. SIMMS' SUBSEQUENT APPEAL DID NOT OFFER ANY NEW INFORMATION TO WARRANT ANOTHER INVESTIGATION. THIS GRIEVANCE IS ADMINISTRATIVELY CLOSED AND NOT EXHAUSTED.**Actions:** ADMIN REVIEW**Accepted:** NO**Date:****Allow Appeal:** N**Reason:**

<b>P</b>	US POSTAGE AND FEES PAID 
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USPS PRIORITY MAIL	
PIERRE SIMMS 9458 COMMERCIAL WAY ADELANTO CA 92301-3549	0003 C004
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USPS TRACKING # 9405 5362 0807 0308 5001 04	



